IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT:	Jheroen P. Dorenbosch	ART UNIT:	2617
APPLN. NO.:	10/649,756	EXAMINER:	Phan, Huy Q
FILED:	August 26, 2003		
TITLE:	SYSTEM AND METHOD TO IMPROVE WLAN HANDOVER BEHAVIOR AT ENTRY/EXIT POINTS		

CERTIFICATE UNDER 37 CFR 1.8(a)	
I hereby certify that this correspondence is being electronically transmitted on the date listed below:	
Date:	March 25, 2008
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REPLY BRIEF

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Board of Patent Appeals and Interferences

Dear Chief Administrative Patent Judge:

This Reply Brief is in response to the Examiner's Answer mailed on February 4, 2008.

Status of Claims:

1. This appeal involves claims 1-5, 9-12, 14-16, 18-29, 33, 34 and 39-41.
2. Claims 17, 30, 35-38 and 42 are allowed.
3. No claims are objected to.
4. Claims 6-8, 13, 31 and 32 have been canceled.

Grounds of Rejection to be Reviewed on Appeal:

1. Whether claims 1-5, 9-12, 14, 15, 25-39, 33, 34 and 39-41 are patentable under 35 U.S.C. 102(e) over U.S. Patent Application Publication No. 2005/0079864 to Johnson, et al. (Johnson).

2. Whether claim 16 is patentable under 35 U.S.C. 103(a) over Johnson in view of U.S Patent Application Publication No. 2003/ 0119481 to Haverinen (Haverinen).

3. Whether claims 18-24 are patentable under 35 U.S.C. 103(a) over U.S Patent Application Publication No. 2003/ 0134636 to Sundar, et al. (Sundar) in view of Chaskar.

ARGUMENT IN RESPONSE TO EXAMINER'S ANSWER

A. The recitations of Johnson do not render the invention of independent claims 1, 12, 25 and 39 unpatentable.

In rejecting claims 1 and 25, it appears that the Examiner is interpreting the base station of Jonson as an egress portal (see page 17, lines 5-6 of the Examiner's Answer). Applicants appreciate this clarification but, nonetheless, submit that the Examiner's analysis cannot withstand scrutiny. Significantly, claims 1 and 25 include the limitations that the first signal is associated with indicating passage through the egress portal and that the egress portal resides within a cell of a wireless local area network (WLAN) and occupies a region smaller than the cell. Applicants initially believed that the Examiner was interpreting the gateway cell of Johnson as the egress portal (see page 12, lines 8-10 of the Appeal Brief). As such, Applicants argued that one of skill would understand that the gateway cell is a WLAN cell and could not read on the limitation of residing within a WLAN cell and occupying a region smaller than the WLAN cell (see page 12, lines 13-17 of the Appeal Brief).

In view of the Examiner's clarification, however, Applicants submit that Johnson does not read on the limitation of the first signal indicating passage through the egress portal. In particular, Johnson never describes how an individual may pass through a base station that creates the gateway cell. That is, a person may pass through the gateway cell itself, but Johnson does not mention anything about a person passing through the actual access point that transmits the RF energy to form the gateway cell.

Independent claims 1, 12 and 25 recite the limitation that a registration sequence is initiated in response to detecting a first signal from the egress portal or an electronic device located in proximity with the egress portal. As noted in the Appeal

Brief, Applicants contend that Johnson does not describe such a feature, as the mobile units in Johnson are registered with the public network *when the mobile units are first powered on in the private network* (see page 12, lines 18-22 of the Appeal Brief and paragraph 0019 of Johnson). In other words, the public network knows to page the second mobile station (MS2), which is part of the "phantom call" procedure outlined in Johnson, and the only way this is possible is if the second mobile station (MS2) were already registered with the public network when it is determined that the first mobile station (MS1) begins to exit the gateway cell (G).

Applicants respectfully submit that the Examiner has not presented any evidence to counter this argument. In fact, the Examiner merely cites the same passage that Applicants rely on in support of their contention and explains that a signal must be detected from the base station to follow a registration procedure since the system switches from the public network to the private network (see page 17 of the Examiner's Answer). Notably, the Examiner's position is not supported by any citation to Johnson, and the Examiner fails to acknowledge that the mobile stations in Johnson complete their registration sequences with both the public and private networks at the time they are powered on and not in response to detecting a signal from an egress portal.

Independent claim 39 recites the limitations that the egress portal is located at an entry/exit point of a WLAN and that movement of the mobile device from a coverage area of the first network to a coverage area of a second network is detected by the egress portal. The Examiner states and Applicants agree that the handover agent (HA) of Johnson determines that the mobile stations move out of coverage of the gateway cell (G) towards the public network (see page 18 of the Examiner's Answer and paragraph 0019 of Johnson). Applicants, however, point out that the handover agent

(HA) of Johnson is not positioned near entry/exit points of a WLAN (see FIG. 1 of Johnson), and Johnson clearly specifies that the base stations are placed near physical entrances of the building in which the private network resides to form the gateway cell (G) (see paragraph 0015 of Johnson).

B. The recitations of Sundar and Chaskar do not render the invention of independent claims 18, 20 and 23 unpatentable.

Independent claims 18, 20 and 23 all include the limitation that the egress portal resides within a cell of a WLAN and occupies a region that is smaller than the cell. These claims also recite the limitation that a signal is used to indicate passage through the egress portal. The Examiner has interpreted a WLAN access point (AP) of Chaskar as the egress portal (see page 18, lines 20-21 of the Examiner's Answer). Similar to the arguments presented with respect to claims 1 and 25 in Section A above, passage through the AP of Chaskar cannot occur; rather, only passage through the coverage area of the AP of Chaskar may happen. As such, Applicants submit that Chaskar or Sundar, individually or in combination with one another, do not disclose all the limitations of claims 18, 20 or 23.

Conclusion

Applicants continue to maintain that none of the cited references describe the subject matter presented in the claims. For the reasons set forth above, the claims on appeal present patentable subject matter such that reversal of the rejection is appropriate.

Although no fee is required with this submission, the Commissioner is hereby authorized to charge any fee due, or credit any overpayment to Deposit Account No. 502117, Motorola, Inc.

Respectfully submitted,

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